

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

GEORGE HENGLE, SHERRY )  
BLACKBURN, WILLIE ROSE, ELWOOD )  
BUMBRAY, TIFFANI MYERS, STEVEN )  
PIKE, SUE COLLINS, LAWRENCE )  
MWETHUKU, *on behalf of themselves and* )  
*all individuals similarly situated,* )

Plaintiffs,

v.

SCOTT ASNER, JOSHUA LANDY, )  
RICHARD MOSELEY, JR., GOLDEN )  
VALLEY LENDING, INC., SILVER )  
CLOUD FINANCIAL INC., MOUNTAIN )  
SUMMIT FINANCIAL, INC., MAJESTIC )  
LAKE FINANCIAL, INC., and UPPER )  
LAKE PROCESSING SERVICE, INC., )

Defendants.

Civil Action No. 3:19-cv-250-REP

**DEFENDANTS SCOTT ASNER AND JOSHUA LANDY’S MOTION TO DISMISS**

Specially Appearing Defendants<sup>1</sup> Scott Asner and Joshua Landy move this Court pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) for an order dismissing the Plaintiffs’ Class Action Complaint. The reasons in support of this motion are set forth in the accompanying memorandum, which is incorporated herein by reference.

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<sup>1</sup> A defendant does not submit to the jurisdiction of this Court by filing a motion to dismiss. *Hunt v. Calhoun Cty. Bank, Inc.*, 8 F. Supp. 3d 720, 726 (E.D. Va. 2014). Nor does a defendant waive arbitration rights by bringing a motion to dismiss together with a motion to compel arbitration. *MicroStrategy, Inc. v. Lauricia*, 268 F.3d 244, 246 (4th Cir. 2001).

Respectfully submitted:

Dated: June 21, 2019

/s/Jan A. Larson  
Jan A. Larson (Bar No. 76959)  
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*Counsel for Defendants Scott Asner and Joshua Landy*

**CERTIFICATE OF SERVICE**

I certify that on June 21, 2019, I have electronically filed DEFENDANTS SCOTT ASNER AND JOSHUA LANDY'S MOTION TO DISMISS and accompanying papers with the Clerk of Court using the ECF system which will send notification of such filing to the following:

George Hengle  
Sherry Blackburn  
Willie Rose  
Elwood Bumbray  
Tiffani Myers  
Steven Pike  
Sue Collins  
Lawrence Mwethuku  
Golden Valley Lending, Inc.  
Mountain Summit Financial, Inc.  
Silver Cloud Financial, Inc.  
Majestic Lake Financial, Inc.  
Upper Lake Processing Service, Inc.

I further certify that on June 21, 2019, I caused a copy of the foregoing document and the notice of electronic filing to be mailed by U.S. Mail, to the following non-ECF parties:

Richard Moseley, Jr.  
3901 W 56th Street  
Fairway, KS 66205

Dated this June 21, 2019.

/s/Jan A. Larson

Jan A. Larson (Bar No. 76959)